

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:) Chapter 11
W. R. GRACE & CO., et al.¹)
Reorganized Debtor.) Case No. 01-01139 (AMC)
) (Jointly Administered)
) Related Documents: 33256, 33265, 33266, 33269
) Hearing Date: October 1, 2021, at 11:00 a.m.
) Objection Deadline: September 24, 2021
)

**THE REORGANIZED DEBTOR'S SUPPLEMENT
TO SECOND CONTEMPT MOTION**

This Supplement is filed in support of the Reorganized Debtor's Second Contempt Motion.

SUPPLEMENT

1. The docket in this Chapter 11 Case shows that Mr. Kraft did not timely file a response to the Second Contempt Motion.
2. Mr. Kraft did, however, communicate twice with counsel for the Reorganized Debtor. On September 17, 2021, in response to e-mail correspondence from counsel to the Reorganized Debtor attaching a courtesy copy of the Second Contempt Motion, Mr. Kraft stated:

Your activities rests on void orders due to lack of jurisdiction, as you know, and the Article I court knows.

It is reasonably foreseeable that your activities may cause damages, and you are urged to take appropriate corrective actions i.e., if you want to initiate an action against me, get a court to issue a summons, write a complaint, and serve me with the summons and complaint.

R. Kraft E-Mail Correspondence, dated September 17, 2021, a copy of which is attached hereto as Exhibit A.

¹ W. R. Grace & Co. (f/k/a Grace Specialty Chemicals, Inc., or "Grace") is the sole remaining "Reorganized Debtor," and Case No. 01-1139 is the sole remaining open chapter 11 case (the "Grace Chapter 11 Case").

3. On September 18, 2021, Mr. Kraft sent e-mail correspondence to a rather wider group, including this Court's courtroom deputy and addressed to this Court, stating in relevant part:

This is to inform you that I require that you cause all filings that have been made at the United States Bankruptcy Court District of Delaware, In re W.R. Grace & Co. et al., Bankruptcy No. 01-1139 (JKF) directed against me to be removed from the records of the court.

These filings contain false and fraudulent information and make slanderous portrayals of me.

You have had no authority to use the Article I court in this manner as the Article I court has never had the constitutional authority to adjudicate the controversy contained in Case No. CV-21-00575-PHX-DJH. I am attaching a court filing I made at the Article III court, explaining this.

W.R. Grace & Co.'s attorneys' activities in Delaware directed against me serve one purpose, to generate attorneys fees. If W.R. Grace & Co. wanted to assert that I cannot prosecute the claims that I have made against it at the Article III court, because of an order issued at this Article I court, all it had to do is file a motion to dismiss at the Article III court, attaching the order from the Article I court. Instead, its attorneys have made numerous court filings seeking to slander my good name with false and fraudulent assertions and documents, both in Delaware and Arizona.

I have informed you that I object to all of W.R. Grace & Co.'s activities directed against me at the Article I court, which includes all procedural mechanisms used in such pursuits, whether defined as contested or adversarial.

If you fail to take these steps by September 28, 2021, I will seek damages against you at \$ 100,000 per day, doubling every 30 days.

R. Kraft E-Mail Correspondence, dated September 18, 2021, a copy of which is attached hereto as Exhibit B. Mr. Kraft's e-mail correspondence had attached to it Mr. Kraft's *Reply in Support of Plaintiff's Motion for the Article Iii Court to Review the Order Issued by the Article I Court*, filed in the Arizona-Chevron Litigation on September 12, 2021 [D.I. 82]. A copy of Mr. Kraft's reply

is attached as Exhibit F to the Second Contempt Motion, and is therefore not attached to Exhibit B.

NOTICE

4. Notice of this Supplement has been given to: (i) the Office of the United States Trustee; (ii) Counsel for the WRG Asbestos PI Trust; (iii) Counsel for the Asbestos PI Future Claimants Representative; (iv) Counsel for the Asbestos PD Future Claimants Representative; (v) Counsel for the WRG Asbestos PD Trust (7A); (vi) Counsel for the WRG Asbestos PD Trust (7B); (vii) Counsel for the CDN ZAI PD Claims Fund; (viii) those parties that requested service and notice of papers in accordance with Fed. R. Bankr. P. 2002; and (ix) Rune Kraft. In light of the nature of the relief requested, the Reorganized Debtor submits that no further notice is required.

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WHEREFORE, the Reorganized Debtor requests the Court enter an order substantially in the form attached to the Second Contempt Motion: (i) finding that Mr. Kraft is in continuing, willful, and knowing contempt of this Court; (ii) imposing a per diem fine on Mr. Kraft of \$1,000 per day, commencing two days after entry of the proposed Order, and continuing until such time as he complies with this Court's order and files such an appropriate pleading; and (iii) granting such other relief as may be appropriate.

Dated: September 27, 2021

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Co-Counsel for the Reorganized Debtor

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